

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS R. CUNNINGHAM,
Petitioner,

v.

E. VALENZUELA,
Respondent.

Case No. 16-cv-01518-VC (PR)

ORDER OF TRANSFER

Thomas R. Cunningham, a state prisoner incarcerated at California Men's Colony, located in San Luis Obispo, California, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the validity of his sentence imposed in San Luis Obispo Superior Court.

A federal petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court is properly filed in either the district of confinement or the district of conviction. 28 U.S.C. § 2241(d). The district court where the petition is filed may transfer the petition to the other district in the furtherance of justice. *Id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993).

Cunningham was convicted and sentenced in the San Luis Obispo Superior Court, which lies within the venue of the Central District of California. 28 U.S.C. § 84(b). He is incarcerated in San Luis Obispo County, which also lies within the venue of the Central District of California. Thus, jurisdiction over the petition exists in the Central District of California, not in this district.

Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice, the Clerk of the Court is ordered to TRANSFER this action forthwith to the United States

District Court for the Central District of California.

All pending motions are TERMINATED on this Court's docket.

IT IS SO ORDERED.

Dated: May 24, 2016

A handwritten signature in black ink, appearing to read 'Vince Chhabria', is positioned above a horizontal line.

VINCE CHHABRIA
United States District Judge